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12
13 **UNITED STATES DISTRICT COURT**
14 **CENTRAL DISTRICT CALIFORNIA**
15 **WESTERN DIVISION**

16
17 CENTER FOR BIOLOGICAL
18 DIVERSITY; WISHTOYO
19 FOUNDATION,

20 *Plaintiffs,*

21 v.

22 DEBRA HAALAND, et al.,

23 *Federal Defendants*

24 and

25 SABLE OFFSHORE CORP.,

26 *Intervenor-Defendant.*

)
)
)
) Case No. 2:24-cv-05459-MWC-
) MAA

)
) **STIPULATION TO**
) **CONTINUE HEARING**
) **DATE**

)
) Honorable Michelle Williams
) Court
) United States District Judge

1 Federal Defendants, Plaintiffs, and Intervenor-Defendant (“Parties”), having
2 conferred on this matter, respectfully move under Local Rule 7-11 to continue the
3 hearing on Federal Defendants’ pending Motion for Voluntary Remand, which is
4 currently noticed for January 31, 2025, at 1:30 p.m. Dkt. 37. The Parties request
5 that this hearing be continued to take place 28 days after resolution of Plaintiffs’
6 pending Motion for Leave to File First Supplemental and Amended Complaint
7 (“Motion for Leave to Amend”), Dkt. 38. In support, the Parties state as follows:

8 On December 20, 2024, Federal Defendants moved for voluntary remand of
9 Plaintiffs’ two original Administrative Procedure Act (“APA”) claims in this case.
10 Dkt. 37; *see also* Dkt. 40-1, Decl. of Daniel C. Luecke in Supp. of Stip. To Cont.
11 Hrg. Date (“Luecke Decl.”) ¶ 7. These two claims—the first under the Outer
12 Continental Shelf Lands Act (“OCSLA”) and the second under the National
13 Environmental Policy Act (“NEPA”)—challenge a 2023 decision by the Bureau of
14 Safety and Environmental Enforcement (“BSEE”) to extend the offshore oil and
15 gas leases associated with the Santa Ynez Unit. Dkt. 1. The hearing on the motion
16 is noted for January 31, 2025. Dkt. 37 at i.

17 On January 3, 2025, Plaintiffs moved to amend and supplement their
18 original complaint to add two new claims under NEPA and the APA. Dkt. 38; *see*
19 *also* Luecke Decl. ¶ 8. One of the new claims would challenge BSEE’s 2024
20 approval of two Applications for Permits to Modify submitted by Intervenor-
21 Defendant to rework wells on the Santa Ynez Unit. Dkt. 38-1 at 44–46. The second
22 asserts that BSEE failed to perform supplemental NEPA analysis regarding the
23 leases and oil and gas production associated with the Santa Ynez Unit. *Id.* at 46–
24 48. Federal Defendants plan to take no position on Plaintiffs’ motion. Luecke
25 Decl. ¶ 9. Intervenor-Defendant will oppose Plaintiffs’ motion. *Id.* at ¶ 12. Federal
26 Defendants’ and Intervenor-Defendant’s response deadline is January 17, 2025.

1 The hearing for Plaintiffs' motion is noticed for February 7, 2025. Dkt. 38 at i.

2 Plaintiffs and Intervenor-Defendant responded to Federal Defendants'
3 Motion for Voluntary Remand on January 10, 2025. Dkts. 39, 40. Federal
4 Defendants' reply is currently due January 17, 2025.

5 The Parties have conferred and agree that good cause exists to continue the
6 hearing date for Federal Defendants' Motion for Voluntary Remand. Luecke Decl.
7 ¶¶ 12–14. Proceeding to brief and argue Federal Defendants' Motion for Voluntary
8 Remand before resolving Plaintiffs' Motion for Leave to Supplement and Amend
9 would procedurally complicate this case and may result in duplicative filings and
10 oral arguments. *Id.* at ¶ 11. In the event Plaintiffs are granted leave to file the
11 proposed First Supplemental and Amended Complaint, Federal Defendants would
12 need to determine whether to alter the scope of the requested remand to encompass
13 Plaintiffs' new claims.¹ *Id.* If Federal Defendants decide to also seek remand of
14 new claims, a new motion and additional briefing would be required. *Id.* It is thus
15 necessary to resolve Plaintiffs' pending motion and ascertain the nature of the
16 claims in this case before the issue of voluntary remand can be addressed with
17 certainty and efficiency. *Id.*

18 Granting the requested continuance would provide for more orderly
19 resolution of the issues. Under Local Rule 7-11, continuing the hearing date for the
20 pending Motion for Voluntary Remand would require Federal Defendants to file
21 their reply brief within 14 days following resolution of Plaintiffs' Motion for
22 Leave to Supplement and Amend. In the event Plaintiffs' motion is granted, in
23 whole or in part, Federal Defendants would file any new motion for voluntary
24 remand by or around that date. This would allow the Parties to fully brief the

25 ¹ Federal Defendants' Motion for Voluntary Remand "reserve[d] the right to revise
26 the scope of anticipated analysis on remand" in the event Plaintiffs moved to
27 amend the complaint. Dkt. 37 at 10 n.3.

1 motion and allow the Court to re-schedule a single hearing on the motion(s) for
2 voluntary remand.

3 A continuance would not adversely impact other deadlines in this case.
4 Because Plaintiffs' claims arise under the APA, the Parties do not anticipate
5 discovery or a trial. Dkt., Joint 26(f) Report 14; *see also* Luecke Decl. ¶ 3. Instead,
6 the Parties anticipate resolving the case through dispositive motions practice. *Id.*
7 The case thus may be resolved if the Court grants Federal Defendants' Motion for
8 Voluntary Remand or, alternatively, through a motion to dismiss or decision on
9 subsequent cross-motions for summary judgment. The current case management
10 order requires motions be filed by July 18, 2025, which is not affected by the
11 present request. Dkt. 36. Moreover, in the event the Court grants Plaintiffs' Motion
12 for Leave to Supplement and Amend, a new scheduling order will presumably be
13 necessary, and all existing case deadlines will be superseded to address the nature
14 of Plaintiffs' claims brought under the APA.

15 The Parties have consistently met the Court's deadlines to advance this case,
16 Luecke Decl. ¶¶ 2–8, and acted diligently in determining the need for the requested
17 continuance, *id.* at ¶¶ 9–14. This is the Parties' first request for a continuance in
18 this case. *Id.* at ¶ 15.

19 For these reasons, the Parties respectfully request that the Court grant the
20 requested continuance.

21
22 Dated: January 16, 2025

TODD KIM
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24
25 /s/ Daniel C. Luecke
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12 *Offshore Corp.*

13 **CERTIFICATION OF CONCURRENCE**

14 In accordance with Local Rule 5-4.3.4, I hereby attest that I conferred with
15 the signatories to this stipulation, who expressed their concurrence.

16 /s/ Daniel C. Luecke
17 Counsel for Federal Defendants
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